United Nations CRC/C/GAB/CO/2

Convention on the Rights of the Child

Distr.: General
8 July 2016

Original: English

Committee on the Rights of the Child

Concluding observations on the second periodic report of Gabon*

I. Introduction

1. The Committee considered the second periodic report of Gabon (CRC/C/GAB/2) at its 2120th and 2121st meetings (see CRC/C/SR.2120 and 2121), held on 26 and 27 May 2016, and adopted the present concluding observations at its 2132nd meeting, held on 3 June 2016.

2. The Committee welcomes the submission of the second periodic report of the State party but regrets that the written replies to the list of issues (CRC/C/GAB/Q/2/Add.1) were incomplete, which did not allow for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the dialogue held with the high-level delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, in particular the ratification of or accession to international instruments, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the adoption of a number of new acts and institutional and policy measures related to children's rights since its previous review.

4. The Committee notes as positive the visit of the Special Rapporteur on trafficking in persons, especially women and children, from 14 to 18 May 2012.

* Adopted by the Committee at its seventy-second session (17 May-3 June 2016).

GE.16-11747 (E) 220716

1611747

Please recycle

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

5. **The Committee recommends that the State party take all measures necessary to address its previous recommendations of 2002 (see CRC/C/15/Add.171) which have not been implemented or not sufficiently implemented and, in particular, those related to legislation (ibid., para. 7) and the definition of the child (ibid., para. 21).**

Legislation

6. **The Committee reiterates its previous recommendation (CRC/C/15/Add.171, para. 7) and urges the State party to:**

(a) **Promptly adopt the draft children's code and ensure that it encompasses all the provisions and reflects the general principles of the Convention;**

(b) **Ensure that all existing domestic legislation relating to children is in compliance with the Convention and that customary law is only accepted if compatible with the Convention.**

Comprehensive policy and strategy

7. The Committee regrets the continuing absence of a comprehensive policy for the protection and promotion of the rights of the child.

8. **The Committee urges the State party to promptly adopt a comprehensive policy on the rights of the child, encompassing all areas covered by the Convention and, on the basis of that policy, develop a strategy with the human, technical and financial resources sufficient for its effective implementation.**

Coordination

9. The Committee notes the establishment of the National Observatory of Children's Rights in 2006 to coordinate the implementation of the Convention, but is concerned that it is not a permanent structure, that it meets only twice a year or on an ad hoc basis and that it does not have a clear coordination mandate, which leads to duplication of work with government institutions.

10. **The Committee recommends that the State party establish the National Observatory of Children's Rights as a permanent structure, with the dedicated human, technical and financial resources necessary for its effective operation, including an office space, and clearly define its coordination mandate to reduce duplication among government institutions.**

Allocation of resources

11. The Committee notes the studies and analysis of public spending on children carried out by the State party; however, it is seriously concerned about:

(a) The steady decrease in the relative allocation of resources to education, health and social protection sectors despite more economic resources being available;

(b) The lack of a tracking system for the allocation of resources to implement children's rights;

(c) The absence of communities' and children's participation in budgeting processes;

(d) Budget allocations not being fully aligned with the policies adopted on children's rights, in particular, for children with disabilities and children in conflict with the law.

12. **In the light of its day of general discussion in 2007 on "Resources for the rights of the child — responsibility of States", the Committee recommends that the State party:**

(a) **Allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the realization of children's rights and, in particular, increase the budget allocated to the education, health and social sectors;**

(b) **Take a child-rights approach when drawing up the State budget, by implementing a system for tracking the allocation and use of resources for children throughout the budget. The State party should also use that tracking system to create impact assessments of how investments in any sector may serve the best interests of the child, ensuring that the differing impact of such investment on girls and boys is measured;**

(c) **Ensure transparent and participatory budgeting through public participation, especially of children, including to guarantee proper accountability of local authorities;**

(d) **Define budgetary lines for children in disadvantaged or vulnerable situations, including children with disabilities and children in conflict with the law, and ensure that those lines are protected even in situations of economic crisis, natural disaster or other emergencies.**

Data collection

13. The Committee welcomes the progress in data collection and the adoption of a national matrix of child protection indicators. The Committee is, however, concerned about the capacity of data-collection mechanisms to provide updated, reliable and disaggregated data on the situation of children, in particular in vulnerable situations, on a regular basis. The Committee is also concerned about the limited use of the existing data to inform policy and programmatic decisions.

14. **In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:**

(a) **Strengthen the capacity of data-collection mechanisms to collect reliable and disaggregated data on a regular basis;**

(b) **Disaggregate data by age, sex, disability, geographic location, ethnic and national origin and socioeconomic background, in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;**

(c) **Share information among the ministries concerned and ensure it is used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;**

(d) **Take into account the conceptual and methodological framework set out in the report of the United Nations Office of the High Commissioner for Human Rights *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information and, in that context, strengthen its technical cooperation with, among others, the Office of the United**

Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and regional mechanisms.

Independent monitoring

15. The Committee is seriously concerned that the National Commission on Human Rights, created in 2006, is not yet operational and does not comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

16. **In the light of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee urges the State party to:**

(a) **Expeditiously take all measures necessary to make the National Commission on Human Rights fully operational;**

(b) **Ensure that the National Commission has a dedicated unit able to receive, investigate and address complaints made by children in a child-sensitive manner, ensure the privacy and protection of victims and undertake monitoring, follow-up and verification activities;**

(c) **Ensure the independence of the Commission, including with regard to its funding, mandate and immunities, so as to guarantee full compliance with the Paris Principles;**

(d) **Seek technical cooperation from, among others OHCHR, UNICEF and the United Nations Development Programme.**

Dissemination, awareness-raising and training

17. The Committee notes the measures taken by the State party to raise awareness of and knowledge about the Convention among law enforcement officials, educational and health professionals, social workers, religious and traditional leaders and children, but is concerned about the still insufficient knowledge of and sensitivity to the rights of the child on the part of government officials, as well as the public at large and children in particular.

18. **The Committee recommends that the State party strengthen its training programmes for all professionals working with and for children, including high-level officials responsible for policies and strategies, and its awareness-raising programmes for communities, families, parents and children, in particular, to increase awareness, knowledge and respect for the rights of the child.**

Cooperation with civil society

19. The Committee welcomes the creation of the National Network for Child Rights Promotion in Gabon and the National Network for Child Rights Protection in Gabon. The Committee notes that civil society participates in the design and approval of child rights programmes and projects, but it is concerned there is no formal or permanent framework for consultation between civil society and the Government, and that this is partially due to an inadequate legislative framework.

20. **The Committee recommends that the State party institutionalize the existing cooperation framework between the government and civil society and review Act No. 35/162 related to the creation of non-governmental organizations, in order to promote and facilitate the work of those organizations.**

B. Definition of the child (art. 1)

21. **The Committee reiterates its previous recommendation (CRC/C/15/Add.171, para. 21) and urges the State party to promptly revise its legislation in order to ensure that the minimum age for marriage is set at 18 for girls and to take all measures necessary to eliminate child marriages, in accordance with the State party's obligations under the Convention and the African Charter on the Rights and Welfare of the Child.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

22. The Committee is seriously concerned about the continuing de facto discrimination in access to basic services, such as health, education and social services, against children from poor communities, children from pygmy communities, orphans, children in street situations, children with HIV/AIDS, children with disabilities, child victims of trafficking and asylum-seeking and refugee children. The Committee is also concerned about discrimination against lesbian, gay, bisexual, transgender and intersex children.

23. **The Committee recommends that the State party prioritize investment in education, health and social services, taking into account the rights of children in vulnerable situations, including those living in remote and indigenous areas, and pay particular attention to guaranteeing effective access to health, education and social services to children from poor communities, children from indigenous pygmy communities, orphans, children in street situations, children infected with HIV/AIDS, children with disabilities, child victims of trafficking and asylum-seeking and refugee children. The Committee also recommends that the State party raise awareness of equality and non-discrimination based on sexual orientation and gender identity to foster a culture of tolerance and mutual respect.**

Respect for the views of the child

24. The Committee welcomes Act No. 39/2010, which requires the views of the child to be taken into account during judicial proceedings, and notes the existence of the youth parliament and youth associations. The Committee is, however, concerned about the ineffective implementation of that law and that, at the local level, municipalities, communities, parents and educators often do not take children's views into account and that the views expressed by children in surveys or through their associations do not inform actions to promote the rights of the child.

25. **In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:**

(a) **Ensure respect for the views of the child during judicial proceedings, in accordance with Act No. 39/2010;**

(b) **Define the procedures for consulting children on matters related to the rights of the child, formalize children's participation in various forums, including at the local level, and ensure that the views expressed are taken into consideration in policy and programmes;**

(c) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including student council bodies, with particular attention given to girls and children in vulnerable situations.**

D. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

26. The Committee welcomes the 2011 decree establishing free birth registration, the adoption of the national birth registration guidelines and the 2013 national cross-sectoral plan to achieve universal birth registration. However, it remains concerned about the insufficient implementation of the decree and the continuing direct and indirect costs associated with birth registration. The Committee is also concerned about the high number of children still without access to birth certificates, in particular children in remote areas, pygmy children and children in vulnerable situations, such as children in street situations, child victims of trafficking and child refugees, and that this is partly due to the poor enforcement of the measures adopted.

27. **The Committee recommends that the State party:**

(a) **Ensure that birth registration is indeed free by promptly eliminating the continuing associated direct and indirect costs at all levels of administration;**

(b) **Take all measures necessary to promptly provide all children with a free birth certificate, in particular children in remote areas, indigenous children, children in street situations, child victims of trafficking and child refugees;**

(c) **Enforce the free registration of births in maternity hospitals, independent of medical costs and fees;**

(d) **Ensure the effective implementation of the national birth registration guidelines and the national cross-sectoral plan and fully investigate reports of registrars charging pygmies to register births and impose the necessary sanctions;**

(e) **Create a computerized civil registration service, in accordance with the recommendations made by the African Union;**

(f) **Continue organizing activities raising awareness of the importance of birth certificates for children, in particular for families, communities and officials in public services;**

(g) **Continue to cooperate with UNICEF for the implementation of these recommendations.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

28. The Committee remains seriously concerned about torture still being used by law enforcement personnel against children in conflict with the law.

29. **With reference to the Committee's general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals to end all forms of violence against children, the Committee urges the State party to:**

(a) **Ensure that law enforcement personnel respect fundamental legal safeguards, and immediately take practical steps to ensure that all cases of torture and other cruel or degrading treatment or punishment against children are documented, reported and investigated, suspects prosecuted and perpetrators adequately sanctioned;**

(b) **Provide the National Commission on Human Rights with the authority and the resources to regularly monitor places of detention, and investigate and report on cases of torture of children by law enforcement personnel.**

Corporal punishment

30. The Committee is seriously concerned that corporal punishment of children is not prohibited in all settings, namely in the home and in alternative and day-care settings, and that the use of corporal punishment to discipline children is still accepted and widespread.

31. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to prohibit all corporal punishment of children in all settings, including the home and in alternative and day-care settings, and to promote positive, non-violent and participatory forms of child-rearing and discipline among parents, as well as alternative-care and day-care personnel.**

Sexual exploitation and abuse

32. The Committee is deeply concerned about cases of sexual abuse of children in the home, including incest, and in schools and public spaces. It is also concerned, about the impunity enjoyed by the perpetrators and the reticence of survivors to file or proceed with formal complaints for fear of reprisals.

33. **The Committee urges the State party to:**

(a) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse, including nationwide police units and social services specialized in violations of child rights;**

(b) **Develop programmes and policies for the prevention, recovery and psychosocial rehabilitation of child victims, in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.**

(c) **Conduct awareness-raising activities to combat the stigmatization of victims of sexual abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels for such violations.**

Sexual exploitation and abuse in the Central African Republic

34. The Committee is concerned about allegations of sexual abuse committed by Gabonese peacekeeping troops, including against children, in the Central African Republic, as part of the African Union-led International Support Mission in the Central African Republic and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic.

35. **The Committee urges the State party to:**

(a) **Ensure that allegations of sexual exploitation and abuse against children in the Central African Republic by Gabonese soldiers are promptly and effectively investigated, those involved are appropriately disciplined and, where applicable, criminal prosecution is pursued under national law and the perpetrators duly sanctioned;**

(b) **Promptly take preventive measures to ensure that the rights of children are respected and protected by its security forces in all circumstances, including amending disciplinary and administrative rules, regulations or codes governing police and military contingents to clearly define all forms of sexual exploitation and abuse**

against children as serious human rights violations, which are subject to criminal sanctions;

(c) **Unconditionally support measures relating to the protection and care of child victims, including medical, psychosocial and legal support, compensation or other reparations;**

(d) **Instruct its national investigation officers to fully cooperate with the United Nations to conduct joint investigations on cases of sexual exploitation and abuse, or any other grave human rights violations, committed by Gabonese forces against children.**

Harmful practices

36. The Committee is deeply concerned about:

(a) Children being subjected to torture in the context of ritual crimes, the widespread impunity enjoyed by perpetrators and the delay in adopting relevant legislation;

(b) The prevalence of child marriage and the practice of female genital mutilation, in particular on non-Gabonese girls, in the territory of the State party.

37. **In the light of the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee urges the State party to:**

(a) **Promptly investigate all cases of ritual crimes against children and ensure that suspects are prosecuted and perpetrators duly punished;**

(b) **Expedite the adoption of the draft law against ritual crimes;**

(c) **Promptly take the measures necessary to eliminate girl-child marriages and to eliminate the practice of female genital mutilation, in particular on non-Gabonese girls.**

Helplines

38. The Committee is concerned about the lack of a helpline to receive and address reports of violence and abuse against children.

39. **The Committee recommends that the State party create a helpline to receive and address reports of violence and abuse against children. The helpline should be free, available 24 hours a day, seven days a week, from the 116 harmonized number for Africa, accessible throughout the national territory, and staffed by professionals duly trained on the rights of the child and in child-friendly procedures.**

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Family environment

40. The Committee notes the measures taken by the State party to support young mothers, such as social contributions and mandatory health insurance, and the creation of nurseries and preschools providing free childcare. The Committee is, however, concerned about children of families in need not receiving sufficient social assistance. The Committee is also concerned about the negative consequences of polygamy in the education and development of children.

41. **The Committee recommends that the State party:**

(a) **Strengthen social services at the national and local levels and increase social benefits to provide adequate support to children of families in need, with a view to diminishing their vulnerabilities;**

(b) **Ensure that all provisions in its legislation that discriminate against women and ultimately have a negative impact on their children, such as provisions authorizing polygamy, be repealed and that mothers and fathers equally share the legal responsibility for their children in accordance with article 18 (1) of the Convention.**

Children deprived of a family environment

42. The Committee notes that the concept of extended family in the State party provides additional protection to children, but also notes that in urban settings the concept of family and its structure are rapidly changing, leaving children no longer under the protection of the community. The Committee is concerned about:

(a) The steady decrease in the resources allocated to social support services for children;

(b) The lack of alternatives to institutionalization of children deprived of a family environment;

(c) The lack of regulation of intercountry adoption, which may result in violations of children's rights.

43. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Ensure that adequate human, technical and financial resources are allocated to child protection services, including the social assistance service of the Ministry of Justice, the Centre for Children in Difficult Circumstances and the non-institutional supervision of children (Action éducative en milieu ouvert, AEMO), to facilitate the rehabilitation and social reintegration of children deprived of a family environment;**

(b) **Establish a system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children and support and facilitate family-based care for children wherever possible;**

(c) **Consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

44. The Committee notes the sectoral measures taken by the State party regarding health, education, nutrition, recreation and protection of children with disabilities. However, the Committee is seriously concerned about:

(a) The continuing absence of an integrated system to regularly collect comprehensive and disaggregated data on children with disabilities, which does not allow for informed policies and measures to address their different vulnerabilities;

(b) The lack of investment in inclusive education and of a policy conducive to the future employment of children with disabilities;

(c) The insufficient resources allocated to support children with disabilities and their families, including access to health care and social services, and that the few available structures exist only in the capital;

(d) The lack of measures to prevent and address incidents of incest against children with psychosocial and/or intellectual disabilities;

(e) The abandonment of children with disabilities by their parents or families;

(f) The persistent prejudice against children with disabilities by their families and communities, which leads to isolation and ill-treatment.

45. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability and set up a comprehensive strategy for the inclusion of children with disabilities, including to:**

(a) **Organize the collection of data on children with disabilities and develop an efficient system for identifying disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;**

(b) **Set up comprehensive measures to develop inclusive education and ensure that it is given priority over the placement of children in specialized institutions and classes, and invest in the development of the professional skills of children with disabilities;**

(c) **Take immediate measures to ensure that children with disabilities have access to appropriate health care, including early detection and intervention programmes and social services, available throughout the country;**

(d) **Promptly investigate incidents of incest against children with psychosocial and/or intellectual disabilities, prosecute suspects and duly sanction perpetrators. It also recommends that sex education be taught to children with psychosocial and/or intellectual disabilities and that law enforcement personnel be trained to handle violence against girls with disabilities;**

(e) **Combat the root causes for the abandonment of boys and girls with disabilities and provide adequate community-based services and assistance to parents and families, including in rural areas;**

(f) **Undertake awareness-raising programmes, including campaigns, for parents and communities to eliminate discrimination and combat prevailing negative societal attitudes against children with disabilities.**

Health and health services

46. **The Committee welcomes the adoption of national health policies and the notable decrease in child and maternal mortality rates. Nonetheless, the Committee draws the State party's attention to the Committee's general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) **Increase the allocation of resources to the health sector, with a view to them attaining 15 per cent of the national budget, as recommended in the Abuja Agreement;**

(b) Invest in the professional training of health workers and ensure adequate planning of human resources in health care throughout the country;

(c) Ensure that caesarean sections are free of charge, in line with the African Union campaign for the reduction of maternal mortality;

(d) Carry out without delay the rehabilitation and construction of health facilities and the implementation of the interventions planned in the National Health Development Plan, prioritizing rural and indigenous areas;

(e) Develop and implement a community health policy to promote community participation and tailor health care to local needs, and in particular develop — with the full and effective participation of pygmies — mandatory cultural sensitivity training for all health-care workers;

(f) Increase budgetary allocations and prioritize preventive health, including the immunization system, and decentralize basic health services beyond provincial capitals;

(g) Take measures to promote breastfeeding and to limit the use of milk substitutes, including by implementing the International Code of Marketing of Breast-milk Substitutes;

(h) Seek financial and technical assistance from UNICEF and the World Health Organization, among others, in that regard.

Adolescent health

47. The Committee notes the measures undertaken by the State party to better understand the issues affecting adolescent health, but is concerned about the delays in finalizing ongoing studies and developing specific policies and strategies, as well as the limited access to contraception and the high rate of adolescent pregnancy.

48. **Referring to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child, the Committee recommends that the State party:**

(a) Expedite the completion of ongoing studies on adolescent health;

(b) Promptly develop and implement specific policies and programmes on adolescent health, including by adopting a comprehensive sexual and reproductive health policy for adolescents;

(c) Ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention given to preventing early pregnancy and sexually transmitted infections;

(d) Increase access to contraception for girls and boys throughout the country.

HIV/AIDS

49. The Committee notes the creation in the Ministry of Education of a committee to incorporate the HIV/AIDS campaign into school curricula and the establishment of provincial multisectoral committees to fight HIV/AIDS. The Committee also notes the preventive measures directed at pregnant women to provide treatment to babies born with HIV. The Committee is, however, concerned about:

(a) The persistently high levels of mother-to-child transmission;

(b) The limited care and services available to children;

(c) The limited availability of male and female condoms, particularly in rural areas and among young people;

(d) The limited and non-specific budget and delays in the allocation of public funds to combat HIV/AIDS, and the focus on response instead of prevention.

50. **In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party:**

(a) **Step up the measures in place to effectively prevent mother-to-child transmission of HIV/AIDS;**

(b) **Improve paediatric care, both in terms of human resources and infrastructure, to provide adequate treatment to all children infected with HIV/AIDS;**

(c) **Improve access to male and female condoms, particularly in rural areas, with special attention given to adolescent girls and boys;**

(d) **Provide the human, financial and material resources necessary for the effective implementation of the activities to combat HIV/AIDS, in particular the ones aimed at prevention, and take the measures necessary to ensure that funds are available for the timely supply of medication;**

(e) **Seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS and UNICEF.**

Children's rights and the environment

51. The Committee welcomes the positive steps taken to address deforestation, but remains concerned about the State party's policy to increase mono-cropping and that the land laws do not reflect the nomadic lifestyle of pygmy communities, including children, who rely on the forests for their livelihood.

52. **The Committee recommends that the State party:**

(a) **Review its existing policies regarding mono-cropping, with the full and effective participation of pygmy communities, including children;**

(b) **Ensure a transparent and human rights due diligence process, with the full participation of pygmy communities, including children, before demarcating lands for commercial purposes or turning them into national parks.**

Standard of living

53. The Committee welcomes the creation of the National Fund for Social Assistance in 2012 to implement social support measures and the inclusion of social safety nets in the Human Investment Strategy in Gabon, developed in 2014. The Committee also welcomes the 2014 study on deprivation among children, which identified geographic disparities and priority areas for intervention. The Committee is, however, concerned about the delays in adopting the draft laws to improve the regulatory framework for social protection and that the several policies and strategies are not interlinked and may not prioritize children in situations of deprivation.

54. **The Committee draws the State party's attention to target 1.3 of the Sustainable Development Goals, on implementing nationally appropriate social protection systems and measures for all and recommends that the State party promptly adopt the draft legislation to improve social protection, ensure that social policies and strategies are interlinked and complementary and adjust social programmes to prioritize children in situations of deprivation.**

H. Education, leisure and cultural activities (arts. 28-31)

Education, including vocational training and guidance

55. The Committee welcomes the 2010-2020 plan to invest in education and thus increase the number of teachers and the number and quality of schools, in particular in rural areas. The Committee also welcomes Act No. 21/201168 of 2012, recognizing children's right to appropriate conditions for learning and development, including from preschool onwards. The Committee is, however, concerned about:

(a) The decrease in the education budget in relation to the public resources available;

(b) The persistently high repetition and dropout rates;

(c) The lack of a sustainable strategy for education infrastructure at the district administrative level and the existence of large classes;

(d) The repeated strikes affecting the school year, resulting from delays in paying teachers' wages and scholarships for students;

(e) The prevalence of violence and abuse against students, including sexual violence and harassment, in educational settings and the impunity of perpetrators;

(f) The absence of early childhood care for children under 3 years of age.

56. **The Committee draws attention to target 4.1 of the Sustainable Development Goals, on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes and recommends that the State party:**

(a) **Increase the education budget to guarantee a quality and egalitarian education for all, in accordance with the recommendations of the African Union during the Day of the African Child in 2014;**

(b) **Promptly implement measures to decrease repetition and dropout rates among students and review them periodically to assess their effectiveness and make the adjustments necessary to guarantee their success;**

(c) **Develop and implement a sustainable strategy to improve education infrastructure at the district administrative level, including to prevent overcrowded classrooms;**

(d) **Ensure a sound financial management of the education budget to prevent delays in the payment of teachers' salaries and students' benefits;**

(e) **Develop and implement a programme to stop and prevent violence against children in schools, including a monitoring and reporting mechanism and sanctions for perpetrators;**

(f) **Invest in early childhood education on the basis of a comprehensive and holistic policy of early childhood care and development for children under 3 years of age.**

Rest, leisure and recreation

57. The Committee is concerned about the lack of sufficient sport, recreational and cultural spaces for children and that some of the available spaces are used by adults.

58. The Committee recommends that the State party ensure that appropriate sport, recreational and cultural spaces are available and dedicated to children's use, including in rural and remote areas.

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)-(d) and 38-40)

Asylum-seeking and refugee children

59. **The Committee notes the State party's tradition of welcoming refugees and the measures taken to guarantee refugee and asylum-seeking children's access to education, but recommends that the State party:**

(a) **Ensure that all refugee and asylum-seeking children, in particular in rural areas, are promptly issued with a birth certificate;**

(b) **Guarantee that refugee and asylum-seeking children have access to appropriate medical services and effective access to the National Health Insurance Fund and Social Guarantee;**

(c) **Ensure that asylum-seeking children have free and timely access to an effective refugee status determination procedure and child refugees have access to proper documentation, including by speeding up the restructuring process of the National Commission for Refugees;**

(d) **Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

Children belonging to minority or indigenous groups

60. While noting the adoption by the State party of the plan for indigenous people in 2005 and the development in 2007 of an integrated programme to provide birth certificates, access to health, education and social services to pygmies, the Committee is concerned about the failure of the State party to implement the 2007 programme, despite the fact that pygmy children are in a most vulnerable situation due to the inaccessibility of hospitals, schools and social services and overall discrimination.

61. **The Committee, taking into account its general comment No. 11 (2009) on indigenous children and their rights under the Convention, recommends that the State party:**

(a) **Adopt a law for the protection of indigenous people based on the United Nations Declaration on Rights of Indigenous Peoples;**

(b) **Promptly take measures to effectively implement community projects providing birth certificates to all pygmy children and ensuring access to health, education and social services;**

(c) **Conduct education and awareness-raising programmes to stop all forms of discrimination against pygmy children.**

Economic exploitation, including child labour

62. The Committee notes that, under article 177 of the Labour Code, the State party sets the minimum age for work at 16 and, under article 6, prohibits the employment of children in work that is not appropriate to their age or that prevents them from attending compulsory schooling. The Committee is, however, concerned about the high number of working children, in particular in sand quarries and restaurants (*gargottes*) and on taxis and buses,

and the poor identification of abuses and sanction of perpetrators by law enforcement authorities. The Committee is also concerned about the lack of an action plan to remove children from illegal work.

63. **The Committee recommends that the State party:**

(a) **Take the measures necessary to enforce the Labour Code, including at the provincial level, regarding the minimum age for employment, by raising awareness of this phenomenon, and strengthen law enforcement activities to identify abuses and sanction perpetrators, with a particular focus on activities related to sand quarries, restaurants, taxis and buses;**

(b) **Develop and implement an action plan to remove, rehabilitate and reintegrate child victims of child labour;**

(c) **Seek technical assistance from UNICEF and the International Labour Organization in that regard.**

Children in street situations

64. The Committee notes the information provided during the dialogue that there are no children in street situations in the State party, but refers to the State party report (see CRC/C/GAB/2, paras. 387-398), which provides information about the vulnerable situation that those children face and remains concerned about the absence of adequate care services for them.

65. **The Committee recommends that the State party develop and implement a programme to prevent children from living in street situations and to provide adequate care services to children in street situations, including health, education and a minimum standard of living, with a view to their rehabilitation and reintegration. The programme should be available in all provinces and involve community participation, including of children themselves, in the prevention and care of children in street situations and support family reunification unless it is not in the best interests of the child.**

Trafficking and abduction

66. The Committee notes the measures taken by the State party prohibiting the trafficking of children, the adoption of anti-trafficking guidelines and the national policy to fight child trafficking and the creation of provincial committees to prevent and fight child trafficking. However, the Committee is concerned about:

(a) National legislation, in particular Act No. 09/2004, not being fully harmonized with international law, in particular article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) The failure of the judiciary to prosecute suspects and sanction perpetrators of child trafficking, even though 700 children were identified as victims of trafficking and repatriated to their countries of origin;

(c) The delay in establishing the National Anti-Trafficking and Prevention Council as envisaged in the Trafficking Act;

(d) The limited capacities of the provincial committees to effectively prevent and fight child trafficking and provide support to child victims;

(e) The lack of bilateral agreements between the State party and countries of origin of children trafficked, in particular Benin, Mali, Nigeria and Togo.

67. **The Committee recommends that the State party:**

(a) **Review Act No. 09/2004 in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(b) **Review the procedure under the Criminal Code to promptly prosecute and try suspects of child trafficking and duly sanction perpetrators and ensure redress for each child victim;**

(c) **Promptly establish the National Anti-Trafficking and Prevention Council envisaged in the Trafficking Act as responsible for implementing, monitoring and evaluating activities to combat all types of human trafficking, including trafficking of children;**

(d) **Strengthen the provincial committees to prevent and fight child trafficking and provide adequate support to child victims;**

(e) **Sign bilateral agreements with the countries of origin of the children trafficked, in particular Benin, Mali, Nigeria and Togo, which should include measures to facilitate judicial proceedings against suspects of child trafficking and support to child victims.**

Administration of juvenile justice

68. The Committee welcomes Act No. 39/2010 creating a dedicated court system for children, recognizing children in conflict with the law as victims, giving priority to re-education and reintegration, considering deprivation of liberty as a measure of last resort, assigning a role to social workers during judicial proceedings and providing legal assistance to children. The Committee is, however, concerned about the ineffective implementation of the law, in particular that:

(a) The dedicated juvenile justice system is not yet fully in place, in particular juvenile courts are not separated from adult courts, law enforcement officials still lack knowledge about children's rights, alternatives to detention do not exist and social workers do not systematically visit children in detention;

(b) Children are not separated from adults in all detention or prison facilities;

(c) A policy for the social reinsertion of children in conflict with the law is lacking.

69. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

(a) **Take the measures necessary to effectively implement Act No. 39/2010 of 2010, including by creating separate courts and a body of law enforcement officials specialized in the rights of the child and international standards in the administration of justice for children, and ensure that social workers regularly visit children in detention;**

(b) **Expeditiously establish separate child custody facilities in all detention and prison centres in all provinces;**

(c) **Develop a policy for the social reinsertion of children in conflict with the law and promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to withdrawing it.**

(d) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

K. Ratification of international human rights instruments

70. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

71. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the involvement of children in armed conflict, the report of which is overdue as of 21 October 2012.

L. Cooperation with regional bodies

72. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

IV. Implementation and reporting

A. Follow-up and dissemination

73. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the second periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

74. The Committee invites the State party to submit its combined third to sixth periodic reports by 10 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

75. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document

and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268.